



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, December 13, 2010, at 7:00 p.m.

1. Call to Order/Roll Call

The meeting was called to order at 7:02 p.m.

The following were present:

Mayor Billy Bain
Vice Mayor Jennifer Ator
Councilman Bob Best
Councilman Dan Espino
Councilman George V. Lob

Also Present:

City Manager James R. Borgmann
Assistant City Manager Ronald K. Gorland
City Attorney Jan K. Seiden
Chief of Police Peter G. Baan
Finance Director William Alonso
Golf Director Michael W. Aldridge
Recreation Director Omar L. Luna
City Planner Richard E. Ventura
City Clerk Magali Valls

2. Invocation: Councilman Best offered the invocation.

Salute to the Flag: The audience participated.

(Presentation under Agenda Item 3A took place after Open Forum at 7:24 p.m.)

3. Awards & Presentations:

3A) Certificate of Sincere Appreciation to Deloris Walker in Recognition of 27 Years of Dedicated Service to the City

City Manager Borgmann stated that it is unfortunate the City is losing many long-time employees, including Deloris Walker who always had a smiling face at the window in the Finance Department.

On behalf of Mayor Bain, the City Manager presented Deloris with a Certificate of Sincere Appreciation in recognition of twenty-seven years of dedicated service from October 1, 1983 to December 31, 2010.

Finance Director William Alonso stated that Deloris had been an integral part of the Finance Department who will be dearly missed. He said that she deserves her retirement and to spend time with her grandkids. He extended a token of appreciation from the Finance Department for her years of service and thanked her for her years of hard work.

Deloris Walker thanked everyone and said that she met many great people during her employment with the City who gave her encouragement through difficult times. She will miss everyone who was so dear to her, including Finance Director Alonso, City Manager Borgmann, Assistant City Manager Gorland, City Attorney Seiden, City Clerk Magali Valls, and the Mayor and Council who are doing a great job. She introduced her daughter and friends who were present.

3B) Proclamation – “Robert ‘Bob’ Calvert Day”

Councilman Best, on behalf of Mayor Bain proclaimed December 13, 2010 to be “Robert ‘Bob’ Calvert Day”.

Bob Calvert recognized his late parents, especially his father who taught him well. He thanked his wife Rhonda and encouraged the youth and residents to have faith in God, their country and the City of Miami Springs.

3C) Certificate of Sincere Appreciation to Lisa Martinez who was Instrumental in Implementing the Education Compact

Lisa Martinez was unable to attend and the presentation will be re-scheduled.

3D) Introduction of Newly Promoted Sergeant Danny Kelly

Chief of Police Peter G. Baan introduced recently promoted Sergeant Danny Kelly.

Sergeant Kelly said that he is truly honored to serve as a Police Officer and he will continue to do a good job with a good attitude and spirit. He introduced his wife and family who were present.

4. Open Forum:

Roof Ordinance

Todd Stiff of 1255 Dove Avenue stated that his first opinion about the proposed ordinance to allow shingle roofs was favorable in light of the difficult economic times. After thinking about the provision for the two-year sunset period, he would not want people to take advantage of this window that could lower the standards that have been set for the City. He urged Council to consider the far reaching implications of their actions that they might take.

City Personnel

Ernie Aloma of 258 Pinecrest Drive stated that his interaction with the City personnel had been very positive, especially with the Building and Recreation Department Staff who have been very helpful.

Duck Eradication

Bob Schwinger of 630 Cardinal Street said that there should be a duck eradication or containment program in the City. The area between Plover and Cardinal Street has been overtaken by ducks that are quickly multiplying; they are dirty and contributing to the erosion of the canal banks.

“Adopt a Park” Program

Bob Schwinger of Schwinger Realty, 8 Canal Street, suggested that the City should have an “Adopt a Park” program to help the City keep the parks nice and provide new amenities. He would like to adopt George Washington Park on Westward Drive in front of the Library.

Agenda Item 10K

Bob Schwinger said that the City just hired a consulting firm to help with Downtown, Westward Drive and the Circle area, as well as N. W. 36th Street. He would not want future changes to Westward Drive to have to be voted upon by the electors because Council was elected to make decisions that are in the best interest of the City.

5. Approval of Council Minutes: (simultaneously approved)

5A) 11/22/2010 – Regular Meeting

Minutes of the November 22, 2010 Regular Meeting were approved as written.

Councilman Best moved the item. Councilman Lob seconded the motion, which carried 5-0 on roll call vote.

5B) 11/30/2010 – Special Meeting

Minutes of the November 30, 2010 Special Meeting were approved as written.

Councilman Best moved the item. Councilman Lob seconded the motion, which carried 5-0 on roll call vote.

6. Reports from Boards & Commissions:

6A) 11/04/2010 – General Employees Retirement System – Minutes

Minutes of the November 4, 2010 General Employees Retirement System meeting were received for information without comment.

6B) 11/04/2010 – Police and Firefighters Retirement System – Minutes

Minutes of the November 4, 2010 Police and Firefighters Retirement System meeting were received for information without comment.

6C) 11/16/2010 – Education Advisory Board – Minutes

Minutes of the November 16, 2010 Education Advisory Board meeting were received for information without comment.

6D) 11/18/2010 – Historic Preservation Board – Minutes

Minutes of the November 18, 2010 Historic Preservation Board meeting were received for information without comment.

6E) 11/23/2010 – Ecology Board – Cancellation Notice

Cancellation Notice of the November 23, 2010 Ecology Board meeting was received for information without comment.

6F) 11/25/2010 – Code Review Board – Cancellation Notice

Cancellation Notice of the November 25, 2010 Code Review Board meeting was received for information without comment.

6G) 12/01/2010 – Architectural Review Board – Minutes

Minutes of the December 1, 2010 Architectural Review Board meeting were received for information without comment.

6H) 12/07/2010 – Code Enforcement Board – Cancellation Notice

Cancellation Notice of the December 7, 2010 Code Enforcement Board meeting was received for information without comment.

6I) 12/09/2010 – Board of Parks and Parkways – Cancellation Notice

Cancellation Notice of the December 9, 2010 Board of Parks and Parkways meeting was received for information without comment.

6J) 12/16/2010 – Historic Preservation Board – Cancellation Notice

Cancellation Notice of the December 16, 2010 Historic Preservation Board meeting was received for information without comment.

6K) 12/23/2010 – Code Review Board – Cancellation Notice

Cancellation Notice of the December 23, 2010 Code Review Board meeting was received for information without comment.

6L) 12/06/2010 – Zoning and Planning Board – Cancellation Notice

Cancellation Notice of the December 6, 2010 Zoning and Planning Board meeting was received for information without comment.

6M) 12/14/2010 – Recreation Commission – Cancellation Notice

Cancellation Notice of the December 14, 2010 Recreation Commission meeting was received for information without comment.

6N) 12/06/2010 – Board of Adjustment – Approval of Actions Taken at their Meeting of December 6, 2010 Subject to the 10-day Appeal Period

Actions taken by the Board of Adjustment at their meeting of December 6, 2010 were **approved** subject to the 10-day appeal period.

Councilman Espino moved to approve the actions of the Board of Adjustment. Councilman Best seconded the motion, which carried 5-0 on roll call vote.

City Attorney Jan K. Seiden referred to the Historic Preservation Board minutes. He stated that the Board is not going in the direction suggested by Council. The Board talked about changing the memorandum that he wrote, which should be Council's decision. He suggested that this could be considered as an agenda item for a future Council meeting.

City Attorney Seiden said that Board member Shonberger is proposing a letter to the property owner, which may or may not be acceptable to Council.

Mayor Bain asked the Administration to schedule an agenda item for the January 10, 2010 Regular Meeting.

7. Public Hearings:

7A) Second Reading – Ordinance No. 1001-2010 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 54-06, Tree Removal Standards, by Limiting the Exemptions Provided by that Section to Mango and Avocado Trees; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 11/22/2010 – Advertised: 11/24/2010)

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that this is the second reading and public hearing; there have been no changes to the proposed ordinance since the first reading, which limits the fruit tree exemption to mango and avocado.

Mayor Bain opened the public hearing to those persons wishing to speak. There were no speakers, and the public hearing was closed.

Vice Mayor Ator moved to adopt Ordinance 1001-2010. Councilman Lob seconded the motion which was carried 5-0 on roll call vote.

7B) Second Reading – Ordinance No. 1003-2010 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 151-04, Application for Building Permits, by Updating and Clarifying the Provisions Thereof in Accordance with the Provisions of the 2007 Florida Building Code; Repealing All Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 11/22/2010 – Advertised: 11/24/2010)

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that there had been no changes to the proposed ordinance since the first reading. This is simply a notification ordinance that provides information to the public as to when a permit is required for different jobs.

Mayor Bain opened the public hearing to those persons wishing to speak. There were no speakers, and the public hearing was closed.

Councilman Best moved to adopt the ordinance. Vice Mayor Ator seconded the motion which was carried 4-1 on roll call vote with Mayor Bain casting the dissenting vote.

7C) Second Reading – Ordinance No. 1004-2010 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 34-15, Holidays and Compensatory Leave, by Revising, Clarifying and Expanding the Provisions Related to “Floating Holidays”; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 11/22/2010 – Advertised: 11/24/2010)

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that this is the second reading and public hearing. There were no changes to the proposed ordinance since the first reading. The ordinance clarifies and updates the accrual, vesting and use of floating holidays.

Mayor Bain opened the public hearing to those persons wishing to speak. There were no speakers, and the public hearing was closed.

Councilman Best moved to adopt the ordinance. Councilman Lob seconded the motion, which was carried 5-0 on roll call vote.

7D) Second Reading – Ordinance No. 1006-2010 – An Ordinance of the City Council of the City of Miami Springs Repealing Code of Ordinance Section 34-21, Retirement, and Reserving the Section for Future Retirement Related Legislation; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 11/22/2010 – Advertised: 11/24/2010)

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that there were no changes to the proposed ordinance since the first reading, which basically eliminates an antiquated Code provision that is not permitted by Federal law.

Mayor Bain opened the public hearing to those persons wishing to speak. There were no speakers, and the public hearing was closed.

Councilman Lob moved to adopt Ordinance 1006-2010. Vice Mayor Ator seconded the motion which was carried 5-0 on roll call vote.

8. Consent Agenda: (simultaneously approved)

8A) Approval of the City Attorney's Invoice for November 2010 in the Amount of \$11,886.75

City Manager Borgmann read the titles of the Consent Agenda items.

Vice Mayor Ator moved the consent agenda. Councilman Espino seconded the motion which was carried 5-0 on roll call vote.

8B) Recommendation that Council Approve an Expenditure of \$18,114.70, to Miguel Lopez, Jr. Inc., Utilizing Cooper City Bid # 2010-5, as Provided in Section 31.11 (E) (5) of the City Code, for the Paving of Nahkoda Drive from North Royal Poinciana Boulevard to Canal Street for Bus Bay Installation, Utilizing CITT Funds.

There was no discussion regarding this item.

Vice Mayor Ator moved the consent agenda. Councilman Espino seconded the motion which was carried 5-0 on roll call vote.

8C) Recommendation that Council Award a Bid for Labor Services to Greens Grade Services, Utilizing City of Coral Gables IFB # 2007.10.22, in the Amount Not to Exceed \$340,000, Pursuant to Section 31.11 (E) (5) of the City Code

City Manager Borgmann explained that this service was put out to bid; there was a mandatory pre-bid meeting and Greens Grade was the only company that attended. The City has utilized their services for the past two years and Staff recommends approval.

Vice Mayor Ator moved the consent agenda. Councilman Espino seconded the motion which was carried 5-0 on roll call vote.

City Attorney Seiden clarified that the back-up memorandum indicates that nine potential companies were notified.

9. Old Business:

9A) Appointments to Advisory Boards by the Mayor and Council Members

Councilman Lob (Group III) **re-appointed** Juan A. Calvo to the Architectural Review Board for a full 2-year term ending on October 31, 2012.

Mayor Bain confirmed the **re-appointment** of Jorge Santín to the Recreation Commission for an unexpired term ending on April 30, 2013.

The Mayor explained that he spoke with Mr. Santín who is excited and is looking forward to working on the “Wall of Fame”. He added that Little League President Tim Cox will submit the criteria used by the Little League.

9B) Appointments to the Revitalization and Redevelopment Ad-Hoc Committee

Councilman Lob (Group III) **appointed** Laz Martínez.

Vice Mayor Ator (Group IV) **appointed** Todd Stiff.

Mayor Bain **appointed** Wade Smith.

9C) Request from Lily Saborit-Abello for \$8,300 to Pay for Police Services and Talent for a January 1, 2011 Event on the Circle

City Manager Borgmann stated that he met with Lily Saborit-Abello regarding an entertainment event on the Circle on Saturday, January 1, 2011. Council gave consensus at the Special Meeting on November 30th for him to continue planning this event with Lily with the associated cost. She is here to present her plan and explain the request for \$8,300.00, which includes \$800.00 for police services.

Lily Saborit-Abello of 117 Palmetto Drive said that she is planning another event in Downtown Miami Springs that is scheduled for Saturday, January 1st. She has six musical performers and two poets and so far they have a line-up to perform music for five hours on the Circle with a goal of bringing people Downtown to enjoy the gazebo, the businesses and the weather.

Ms. Saborit-Abello explained that she would like final approval and direction that Council is okay with the finances before she begins marketing and printing material. She spoke with some of the businesses and received a tentative confirmation from one that they will be open during the event.

Councilman Best moved the item not to exceed \$8,300. Vice Mayor Ator seconded the motion, which carried 5-0 on roll call vote.

9D) First Reading – Ordinances Amending Section 150-010:

9D1) Second First Reading – Ordinance No. 1002-2010 – Amending Code of Ordinance Section 150-010, Roof Materials, Requirements, and Re-Roofs, by Permitting the Use of Florida Building Code and Miami-Dade County N.O.A. Approved Asphalt Shingles for New Roofs and Re-Roofs for a Two-Year Sunset Period; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (Tabled: 11/22/2010)

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that based upon comments that were made he created a second version of the exact same ordinance that provides a reverter provision in the event the use of asphalt shingles is allowed to sunset after the two-year period. He explained that Council could extend the sunset provision or they could make it permanent, if not, it would go back to the original ordinance requiring tile roofs.

The reverter provision in the alternative ordinance would apply to new shingle roofs or re-roofs that were constructed during that sunset period. The reverter states that the roofs must go back to tile the next time the house needs a roof, so long as no action had been taken on the sunset provision and so long as the original roof was constructed in a manner which would permit the installation of a cement or clay tile roof. He read the provision as follows:

“Any cement or clay tile roofs replaced with approved asphalt shingles during the aforesaid two year sunset period shall be required to use only cement or clay tile, when its next re-roofing becomes necessary, if the additional material usage provisions of subsection (C) and (G) above are permitted to sunset without the enactment of a further extension provision or the securing of permanent approval for the use of asphalt shingles. Additionally, any new construction installing asphalt shingle roofs during this “sunset” period shall likewise be required to use only cement or clay tiles, when re-roofing becomes necessary, should the sunset provisions of subsection (C) and (G) above not be further extended or be granted permanent approval, so long as the roof of any such structure has been originally constructed in a manner which will permit the installation of a cement or clay tile roof.”

City Attorney Seiden checked with the Building Department and was told that unless a roof is built only to maintain shingles it can generally maintain any roof material. The two ordinances basically provide the sunset provision; the only difference is the reverter provision.

Mayor Bain stated that he would support the first ordinance with the two year sunset provision because any roof replaced during that time would not need to be replaced for another ten or fifteen years.

Councilman Espino explained that the problem is that once a roof goes from tile to shingles during the sunset provision, it could be shingle forever without the reverter provision. The goal was to create an accommodation during these financially difficult times. The second ordinance is tailored because it allows the conversion from tile to shingles but when it is time to re-roof it automatically reverts back to the way the original ordinance was written. He would support the second ordinance as a precautionary measure.

Vice Mayor Ator said that the second ordinance is an effort to make everyone happy and come to a consensus. It was mentioned that new homes may be built during the sunset period and instead of constructing a tile roof as normally required they would be allowed a shingle roof that would continue to be allowed forever. She does not like this provision, and many residents are upset because they feel that the community is based upon having tile roofs. She would support the ordinance with the reverter provision.

Councilman Best pointed out that when a new Council is elected they could re-legislate based upon their opinions. As of now, the opportunity for someone to fix their roof should be afforded to them during these difficult economic times. He is not certain that a reverter provision is necessary and he would like to adopt the first ordinance, even though he is not that satisfied with the sunset provision, but he will support it in order for it to pass.

Councilman Lob did not see the need for a reverter clause. He spoke with people in the housing industry and was told that there would not be much difference in the sale price of the home. He would support the first ordinance as proposed.

(Agenda Item 9D2 was voted on at this time)

Mayor Bain commented that he voted against approving the second ordinance to kill it right now so that Council could vote on the first ordinance. He understands that Council receives calls from their constituents that are either for or against an issue. There are currently existing homes with shingle roofs that are allowed to re-roof with the same material. The first ordinance will allow shingle roofs for the next two years and this might only affect twenty-five roofs at the most. As far as new construction, there are not that many vacant lots to build on.

Mayor Bain asked for a motion on Ordinance No. 1002-2010.

Councilman Best moved to approve the ordinance. Councilman Lob seconded the motion which was carried 3-2 on roll call vote, with Vice Mayor Ator and Councilman Espino casting the dissenting votes.

9D2) First Reading – Ordinance No. 1008-2011 – Amending Code of Ordinance Section 150-010, Roof Materials, Requirements, and Re-Roofs, By permitting the Use of Florida Building Code and Miami-Dade County N.O.A. Approved Asphalt Shingles for New Roofs and Re-Roofs for a Two-Year Sunset Period; Providing a Reverter Provision in the Event the Use of Asphalt Shingles is Allowed to Sunset; Repealing All Ordinances or Parts of Ordinances in Conflict; Effective Date

The ordinance was discussed as part of Agenda Item 9D1.

(The motion on 9D2 was taken before 9D1)

Vice Mayor Ator moved to approve Ordinance 1008-2011. Councilman Espino seconded the motion which failed 2-3 on roll call vote, with Mayor Bain, Councilman Best and Councilman Lob casting the dissenting votes.

9E) Second First Reading – Ordinance No. 1005-2010 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 34-19, Employee Compensation and Benefits, by Adding Provisions Governing the Granting, Accumulation and Use of Compensation (“Comp”) Time by Eligible and Entitled Employees; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (Tabled: 11/22/2010)

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that this is the second first reading of the proposed ordinance that was brought back because Vice Mayor Ator had questioned whether any provisions were included that violated the Fair Labor Standards Act.

City Attorney Seiden confirmed with labor counsel that there is no problem with any of the provisions, in fact they mirror most systems as they operate and the most important provision is contained in the first section that permits employees to be part of the decision making process. This would codify the current policy and what has been done in the past.

City Attorney Seiden clarified for Vice Mayor Ator that the employee could also choose to receive overtime pay.

Councilman Lob moved to approve Ordinance 1005-2010. Councilman Best seconded the motion.

Vice Mayor Ator commented that she asked for an opinion from the labor counsel. Since she had some concerns, she pulled the statute and sent it to the City Attorney and he forwarded it to the labor attorney. The response back was simply that the provisions were sufficient, but she was still concerned so she spent one hour researching and found case law to support the ordinance.

Vice Mayor Ator stated for the record that she is extremely disappointed that the labor counsel responded with only a one line explanation, which is not a legal opinion. Her research gave her some comfort, although it is not perfect, because there are issues; she will rely on the labor attorney's opinion that the provisions are completely in line with the Fair Labor Standards Act.

City Attorney Seiden also did research and felt that the ordinance is in compliance.

Mayor Bain suggested voting on the ordinance for the first reading and any amendments could be made during the second reading. He added that the City Attorney and labor attorney are comfortable with the provisions.

Councilman Espino asked how much is paid out for comp time on a yearly basis.

Finance Director Alonso responded that comp time only deals with the general employees and the cost is minimal since there is limited overtime. The affected departments are normally Recreation or Public works depending on manpower needs.

Finance Director Alonso said that this would allow the employees to sell back the time to the City at the end of the year, similar to the provisions in the Police Department's collective bargaining agreement. This is a benefit to the City because the employees are paid at their current rate and if they were allowed to accumulate the time for more than one year they might be paid at a higher rate, which he is trying to limit.

To answer Vice Mayor Ator's question, Finance Director Alonso clarified that the time is sold back at straight time. For example if an employee works two hours overtime, the time is banked at three hours which is paid at the regular rate.

Finance Director Alonso explained that at the end of the year he has to set up an accrual and liability in the financial statements for the amount of comp time that is due. He said that he would rather have this cleared before the end of the year.

Councilman Espino commented that this is an issue in many municipalities and some have a policy that it must be used or it is lost, which eliminates the liability completely.

City Attorney Seiden stated that the employees have a vested right to the time and Council can set the guidelines for its use, but the time cannot be taken away. One of the biggest problems in other cities that he has dealt with over the years is the accumulation of employee time, which is hard to account for. The trend is to bank it and use it within a certain time period.

Vice Mayor Ator asked how much time is currently on the books.

Finance Director Alonso stated that he could provide the exact numbers when the ordinance is brought back for the second reading. He said that there are only two or three General Employees with significant comp time that they carry over.

City Attorney Seiden explained that it is never a good idea to have a policy unless it is codified by ordinance and that is what the Administration is doing.

The motion was carried 4-1 on roll call vote, with Vice Mayor Ator casting the dissenting vote.

10. New Business:

10A) Curtiss Mansion Inc.:

10A1) Report on the Status of Receipt of the Additional \$1,000,000 GOB Grant Funding

City Manager Borgmann **pulled** this item from the agenda.

10A2) Approval of Facility Agreement with Experience Aviation for Rental Space in the Curtiss Mansion

City Manager Borgmann **pulled** this item from the agenda.

10B) First Reading – Ordinance No. 1009-2011 – An Ordinance of the City Council of the City of Miami Springs Creating and Codifying Code of Ordinance Section 70-02, Red Light Camera Enforcement; By Electing to Locally Implement Florida Statute Section 316.008(7)(A); Authorizing the Implementation of Law of Florida 2010-80; Directing the Codification of this Ordinance; Providing For Severability; Repealing All Ordinances or Parts of Ordinances in Conflict; Effective Date

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that this is the first reading of an ordinance that authorizes the City to implement a red light camera system.

Councilman Lob moved to approve the ordinance. Vice Mayor Ator seconded the motion.

Vice Mayor Ator clarified that she supports the ordinance, but there is some confusion about the benefits and detriments of the cameras and the system. She said that the company could be asked if there is educational information for the public, which would be helpful.

City Manager Borgmann commented that the City had been contacted by other vendors that offer similar equipment and the Administration may consider going out for proposals before coming back with a recommendation to approve any company. The adoption of an ordinance will allow the enabling legislation so that an appropriate vendor could be selected in the future.

Mayor Bain said that some cameras might be more attractive and function better than others and this should be one consideration if the service goes out for bid.

City Attorney Seiden explained that in any bid or request for proposal the price is only one component and there is always the ability to choose a higher cost vendor based upon a number of criteria, including quality and performance.

Vice Mayor Ator reiterated that an education component should also be included in the proposal.

Councilman Best stated that in speaking with the public, there is a mixed reaction relative to the cameras. The ordinance does not address location, only the legislation. He noted that literature was received that indicated that the County does not plan to act on the cameras at the present time and part of the discussion was that the City should take action in order to beat the County in order to get the revenue.

City Manager Borgmann explained that the County's opinion is that if the road is located within a municipal boundary they will not install cameras within the municipality. However, the focus for Miami Springs is N. W. 36th Street and the City has the authority to go westbound, not eastbound. The County will have the prerogative to install the eastbound cameras.

The motion was carried 4-1 on roll call vote, with Mayor Bain casting the dissenting vote.

10C) Resolution No. 2010-3500 – A Resolution of the City Council of the City of Miami Springs Amending the Schedule of Charges and Fees for the Operation of the Miami Springs Golf and Country Club; Effective Date

City Attorney Jan K. Seiden read the resolution by title.

Golf Director Mike Aldridge confirmed that the rates would remain the same as last year, based on what other golf courses are charging.

Councilman Espino moved to adopt the resolution. Councilman Best seconded the motion which was carried 5-0 on roll call vote.

10D) Consideration of Recommendations from the Education Advisory Board

City Manager Borgmann stated that the November 16th Education Advisory Board minutes indicated that they made several recommendations to be considered by Council as follows:

1. Recommendation that the City Council designate the week of April 25, 2011 as “Miami Springs Civics Week”.
2. Recommendation that Council create a Youth Advisory Council with five members from grades six through twelve who are selected from an application process, and meet on a quarterly basis, for a one-year term, to advise the City Council on significant and pertinent matters relating to young people within the City.
3. Recommendation that Council direct the Administration to work with Principal Dovale and the Public Works Department to address the water accumulation in front of the hard court on Bluebird Avenue in the swale.

The City Manager explained that Chief of Police Baan mentioned that the County would be fixing the issue of the water accumulation at Springview and if they do not respond quickly enough, the City could step in and do something first.

Mayor Bain felt that the City should utilize the Citizen Independent Transportation Trust (CITT) funds for the purpose of fixing the water accumulation problem on Bluebird Avenue.

Vice Mayor Ator agreed with the Mayor’s suggestion to address the problem at Springview.

Councilman Espino stated that he would like Council to approve all three recommendations.

Mayor Bain explained that he would like more information in regard to the recommendation to create a Youth Advisory Council.

Vice Mayor Ator thought that the Chair of the Education Advisory Board was going to be present to answer questions.

Mayor Bain asked Council to table the first two recommendations and act on the third.

Vice Mayor Ator felt that Civics Week would relate directly to the Youth Advisory Council and the Education Advisory Board Chair could come to the next meeting to report on the specifics for both recommendations.

Councilman Best moved to approve paving (item 3), with CITT funds. Councilman Lob seconded the motion, which was carried unanimously on roll call vote.

By consensus, Council will discuss items 1 and 2 regarding Civics Week and the Youth Advisory Council at the January 10, 2011 Regular Meeting.

10E) Approval of Expenditure to Reserve Table for the 57th Annual Installation Gala on Saturday, February 19, 2011

City Manager Borgmann stated that every year the City is contacted by Miami-Dade County League of Cities in regard to their Annual Installation Gala, which is Saturday, February 19, 2011. They are asking the City to purchase a table of ten for \$1,300 and options are available to purchase an advertisement.

Councilman Espino commented that Council approved a half-page ad in the Florida League of Cities booklet, which received a lot of attention.

City Manager Borgmann presented the advertising options: \$750.00 for a color ½ page; \$600.00 for a color ¼ page; \$500.00 for a ½ page black/white and \$250.00 for a ¼ page black/white.

Mayor Bain stated that he would support the purchase of the table and a ¼ page black/white ad.

Councilman Espino moved to approve an expenditure of \$2,050, including \$750 for a ½ page color ad. Vice Mayor Ator seconded the motion, which carried 4-1 with Mayor Bain casting the dissenting vote.

10F) Report on Field Maintenance Schedule at Stafford Park

City Manager Borgmann stated that Council had asked for a maintenance schedule for the fields at a prior meeting and Parks and Recreation Director Omar Luna has been in close contact with Golf Superintendent Sandy Pell who is in charge of maintaining the fields.

Parks and Recreation Director Omar Luna stated that he provided a maintenance schedule as requested. In addition, research by two parties was conducted on the field who are recommending the installation of a fence to help the condition of the field. They said that it might not need new sod right away and to give it a chance to improve with the fence. At the present time there is good Bermuda grass that could improve with fertilization and seeding, but the most important factor is that the field needs six to eight weeks to rest.

To answer the Mayor's question, Mr. Luna said that there is a very small window during the summer that the field could be closed for six weeks, although it would depend on the Little League All Star games.

Mayor Bain explained that the complaints have been about compacting and leveling the sand when filling holes. He suggested that Mr. Luna should advise people involved in the various programs of his thoughts for the six to eight week time period for resting the field at Stafford Park.

Vice Mayor Ator asked if the recommendation was only for Stafford Park.

The Mayor confirmed that it is only for Stafford Park because Prince Field is closed for the month of December and is looking better already.

Mr. Luna clarified for the Mayor that an adult would supervise the parks during the evenings.

Vice Mayor Ator asked if the recommendation is to install a fence.

Mr. Luna said that the fence would help Stafford Park because the field is open and it is hard to control the use, especially on Sundays. The field could be enclosed with “No Trespassing” signs, including rental information and the number to call. He received a couple of quotes for fencing that are roughly \$30,000. There will still be an open area for light activities.

Mayor Bain felt that residents should be allowed to use the field if they show identification.

City Manager Borgmann explained that other fields are available, but Stafford Park is overused by soccer and other sports and its use should be controlled to preserve the quality of the turf.

Vice Mayor Ator received complaints about the field being wet and muddy after it rains.

Councilman Espino agreed that one of the fields is a swamp.

Mr. Luna said that the field would have to be re-graded so that the water percolates in certain low areas that flood. This would be part of the plan if the field is re-sodded.

To answer the Mayor’s question, Mr. Luna said that the initial cost for synthetic covering would be \$700,000 to \$1MM depending on the subsoil. There might be grant funding available, but it is for a stadium or Optimist Football program and most are matching grants.

Mayor Bain suggested conducting research to determine if there are grants available.

Councilman Best commented that the south infield is low and grass would help to absorb the water. The pitcher’s mound also needs serious attention, which should not cost a lot.

Mr. Luna assured Councilman Best that the mound would definitely be addressed.

Vice Mayor Ator also noticed the proposal for the bleachers and she would be interested to know about the sun shades.

Mr. Luna explained that the bleachers do not have a shade structure and he is interested in providing shade systems in the future, which is a safety issue due to skin cancer. The shade systems are expensive, but they are definitely part of the long-term plan.

Mayor Bain called for a 5-minute recess

10G) Item Pulled by the Administration

Agenda Item 10H was discussed after Agenda Item 10K

10H) Amendment No. 1 to Miami-Dade County's Interlocal Agreement for Public School Facility Planning; for Council Review and Consideration per Florida Statutes Chapter 163.31777

City Manager Borgmann stated that this is a consideration, by resolution, for amendment No. 1 to Miami-Dade County's Interlocal Agreement for Public School Facility Planning for Council review and consideration per Florida Statutes Chapter 163.31777.

City Planner Richard E. Ventura explained that this particular amendment is a follow-up to the Interlocal Agreement that was presented to Council at the December 10, 2007 meeting. The major goal is to ensure that adequate public school facilities are in place when new residential development comes into a municipality.

The purpose of this amendment to the original Interlocal Agreement is that up to now, any amendments to the Interlocal Agreement must be approved by a unanimous vote of the signatories, according to Mr. Ventura. This amendment wants to change the required unanimous vote to effect change to a 2/3 vote by the municipalities.

City Attorney Seiden explained that all municipalities have agreed to the amendment.

The City Planner clarified that the change would move the overall process along and it ensures the goals of the Interlocal Agreement.

Vice Mayor Ator commented that Miami Springs is a small community and asked if there was ever an issue when the smaller cities were opposed to the interests of the larger cities and a unanimous vote would benefit the smaller cities.

City Planner Ventura responded that it would be a consideration since Miami Springs is a smaller municipality. The advantage is that it moves the process along with regard to the goals of the Interlocal Agreement ensuring public school facilities are in place with new residential development, but there is a possibility that because Miami Springs is a smaller municipality it might have its particular concerns overlooked. This is still an ongoing process because the School Board has not heard back from all municipalities.

Resolution No. 2010-3501 – A Resolution of the City Council of the City of Miami Springs Approving and Adopting Amendment No. 1 to the Amended and Restated Interlocal Agreement for Public School Facility Planning in Miami-Dade County; Authorizing Execution of Amendment; Effective Date

City Attorney Jan K. Seiden read the resolution by title.

Vice Mayor Ator asked if a copy of the Interlocal Agreement for Public School Facility Planning is available. She would like to see it because she might be concerned unnecessarily since it might not affect Miami Springs. She would move to table the resolution until she sees the agreement.

Councilman Best shared Vice Mayor Ator's concerns and he would like to see more information.

By consensus, Council tabled the item.

Councilman Lob left at 9:26 p.m. due to illness.

Vice Mayor Ator requested a copy of the Interlocal agreement before the holidays.

City Manager Borgmann agreed to send a copy to the entire Council.

10I) First Reading – Ordinance No. 1007-2011 – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Section 150-017, Recreational Vehicles, by Clarifying the Applicability of the Ordinance to Single-Family Residential Districts of the City and Providing Specific Prohibited uses for Such Vehicles; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that the proposed amendment was discussed at a prior meeting and he added the wording to clarify that it only applies in single-family residential districts. He also changed the location of some of the prohibited uses.

Councilman Best moved to approve the ordinance. Councilman Espino seconded the motion which was carried 4-0 on roll call vote.

Agenda Items 10J and 10K were discussed at 8:41 p.m. after the recess.

10J) Presentation and Request for Funding from Miami Springs Airport Area Chamber of Commerce for an Art Show on January 23, 2011 in the amount of \$2,500.

City Manager Borgmann stated that this item is a presentation and request for funding from the Miami Springs Airport Area Chamber of Commerce for an art show on January 23, 2011. He provided a spreadsheet with the associated costs.

Donna Wood-Beney of 3971 N. W. 65 Avenue, Virginia Gardens, recapped numerous Chamber events that transpired during the previous months to help promote the businesses and Miami Springs. She announced that the Chamber will sponsor the City's 85th Birthday celebration on Friday, April 8th during the Springs River Festival.

Ms. Wood-Beney requested assistance from the City to sponsor an art show at the Golf and Country Club in the amount of \$2,690.00. She said that Carlos Santana was very generous in offering to provide the use of the rooms at no charge, which amounts to almost \$1,400.00. She is negotiating with several easel companies to get the best rate and working with three companies that specialize in lighting artwork. The Dynasty Room and the courtyard will show the art pieces nicely.

Ms. Wood-Beney clarified that the event is proposed for Sunday, January 23rd from 4:00 to 7:00 p.m. and there will be no admission charge. The artists will pay \$25.00 for a table, two chairs, draping and the ability to show. There will be food and beverages available.

Ms. Wood-Beney added that she is working with the various local museums and schools to have their art classes provide art work that will line the entrance from the front door of the Country Club to the Dynasty Room.

To answer Vice Mayor Ator's question, Ms. Wood-Beney said that the Chamber would like to host the first drink.

Councilman Espino moved to approve funding in the amount of \$2,690.00 for the art show on January 23, 2011. Councilman Best seconded the motion, which carried 5-0 on roll call vote.

Councilman Espino stated that he would like to revisit a recommendation that Council brought forth last year, which is a process by which the various organizations of Miami Springs would make their requests for funding at certain times during the year. This process would allow a better understanding of the community needs and desires so that Council can make better decisions. He said that the main organizations are the Chamber, All Angels, Lily Saborit-Abello, and the Springs River Festival.

City Manager Borgmann responded that the original proposal for the process could be placed on the January 10, 2011 Council agenda.

Councilman Best agreed with Councilman Espino that it would be beneficial to have a process that would provide a benchmark as Council goes into the budget process.

Councilman Best thanked Donna Wood-Beney for her work in organizing and promoting the various events.

10K) Consideration of Request from a Citizen Group to Place an Issue Item on the Ballot for the April 2011 Election.

City Attorney Jan K. Seiden stated that the first step in the process of any Charter amendment petition process, pursuant to the procedures that were utilized since the last case, is that Council is asked to approve the format of the petition. The format of the petition is the same that has been used before in the City, which is the County form; it is a ministerial act and Council is not approving the placement on the ballot or the wording.

City Attorney Seiden reiterated that Council is being asked to approve the format so that the citizen group can go forward to obtain signatures. He said that there is some confusion after reviewing the files from 2006 to the present. In this particular situation, the City Clerk received a letter and a number of signatures. The Charter indicates a committee of five, but that deals with initiative and referendum petitions. The process for a Charter amendment in the City can be initiated by one person; it does not have to be a committee and it does not have to be a notarized petition. One person with a format can initiate the process and then they must follow the procedures that are required and set forth.

City Attorney Seiden explained that the City Clerk has all the procedures and time was spent detailing them. The only confusion in this situation is that a letter was received with a number of people who signed in an attempt to be a committee, but in this case, subject to Council approval of the form, all dealings will be with Mr. Petralanda who was the person that sent the letter with the petition.

Attorney Seiden clarified that Council is only being asked to say whether or not the form of the petition that has been submitted is an acceptable form for the City and the answer to that is "yes".

Councilman Espino stated that this is the first that Council has heard of this and by the time the language comes back the petitioners will all be busy pushing their agenda. He would like to take the opportunity to voice his opinion now and throughout the remaining term of office.

Mayor Bain said that the letter came in on Thursday, December 9th in the late afternoon and he spoke with the City Manager about the placement of the item on this agenda. He asked if there was enough public notice.

City Attorney Seiden assured the Mayor that the placement on the agenda is fine; it is not inappropriate in any way and he has no problem with Council expressing their opinions. The title of the agenda item is wrong and the only action Council needs to take is to approve the format of the petition that was submitted.

Vice Mayor Ator asked why Council has to approve the format of the petition.

City Attorney Seiden explained that it is part of the process that the City follows, as outlined in the Charter of Miami-Dade County.

Mayor Bain asked if Council could vote not to approve the petition.

City Attorney Seiden responded that if Council votes “no” as to the format of the petition the petitioners will have every right to find an attorney who will file a Writ of Mandamus against the City that will command Council to do it, because there is nothing wrong with the petition; it is the same petition that has been used by the City before and it is the current petition that is used by the County. The court will order the City to do it and there is no reason not to approve it.

To answer Councilman Best’s question, City Attorney Seiden reiterated that Council would only be voting on the format of the petition. He explained that in a previous case it was determined by the court that the exclusive method for charter amendments under the Home Rule Charter is to follow the County procedure as outlined in Section 7.01 of the Miami-Dade County Code. The section reads:

“The electors of the County shall have the power to propose to the Board of County Commissioners the passage or appeal of ordinances and to vote on the question if the Board refuses action, according to the following procedure:

- (1) The person proposing the exercise of this power shall submit the proposal, including proposed ballot language, to the Board which shall without delay approve as to form a petition for circulation in one or several copies as the proposer may desire.”*

The petitioners have sixty days to secure signatures that come back and there is thirty days to approve and send the signatures to the County for sufficiency, following the standard format as outlined.

Councilman Best asked what would happen if Council disagrees with the language of the petition.

City Attorney Seiden explained that the process is initiated by citizens and if they are successful in collecting the appropriate number of signatures they will be submitted to the City Clerk. The City Clerk will then submit the petition to Council who will review the petition and action must be taken within thirty days.

City Attorney Seiden stated that the petition signatures are sent to the Supervisor of Elections for Miami-Dade County who will begin the signature verification process. If the signatures are determined to be sufficient, within the required percentage electors of the City, then the question will be placed on the ballot. The validity of the language is not really an issue for Council; it is an issue for the committee and their counsel. Council has the authority, when it is presented to them, to make the language their own and place the question on the ballot without the necessity of any further ministerial act.

Vice Mayor Ator said that different language, other than the language submitted by the petitioner, could probably be put on the ballot as a competing question. She would argue that the City Attorney has an obligation to provide an opinion as to whether or not the language that is on the petition passages constitutional muster so that the City would not be facing a challenge in the future.

City Attorney Seiden said that he would certainly do that at the appropriate time.

Councilman Espino stated that he was extremely disappointed when he saw the letter from Mr. Petralanda and his committee. During these difficult times, there are businesses that have closed and continue to close and the City is not as financially sound as it has been in the past. This is an issue that could move the City in a forward direction and he has personally invited everyone in the City to participate in the conversations, while there is a certain group that chooses not to participate. Instead, they employ these types of tactics, using an important issue like revitalizing the commercial areas as a political punch line or a divisive tool meant to polarize parts of Miami Springs for or against something, instead of being united in moving Miami Springs toward further enhancement.

Councilman Espino finds this to be a “do nothing” amendment at a time when action is needed, similar to Amendment 4 that recently failed. The presumption is that nothing happens unless it meets onerous obstacles. This kind of default setting is extremely damaging to the City of Miami Springs because it will put a permanent brand on the City as a place where one cannot or will not do business. He felt that it is a broad sweeping amendment that reads “do not do anything on Westward Drive.” Businesses have been closing. Starbucks operates at one of the lowest levels in all of South Florida.

For the majority of this community, moving revitalization forward and making the Downtown prosper is still a priority, according to Councilman Espino. There will continue to be a group of people that choose to put horse blinders onto the situation and the mantle of inactivity as a solution to everything. This is completely counter to what Council has done so far. As a resident, someone who supports the local businesses and as an elected official he knows that the City cannot afford this amendment or the delays for improvements. The City cannot afford to put any more tax burden on the residents; it must be shifted to the businesses.

Councilman Espino stated that there would be future considerations and discussion about the recommendations from the revitalization consultants and Council, as the elected officials, will carefully consider the short term and long term changes. Council has not even engaged in serious conversations about revitalization and now there is this kind of amendment, which leads him to believe that this group does not want to engage in conversation or actually move Miami Springs forward.

Councilman Espino pledged to fight against the amendment as hard as he possibly can, whether he serves another term on Council or not because it will “tie our hands” for years and years to come, unless it is challenged. He would like for everyone in the City to get engaged and stand up to say “enough is enough” and vote “no” if it gets to that point.

Councilman Best stated that the proposed amendment is troublesome, it is politically motivated and it comes at a time when Council seems to be getting the tools together to do the right thing for the City relative to the businesses. This proposal is going to divide the City and preclude Council from doing things that make sense. The language is all encompassing because it is saying that they do not want to do anything. He has been opposed to this for more than six years serving on Council and if he is fortunate enough to be elected for another term he will be opposed for another two years because it is a “do nothing” philosophy that is not needed in this town.

Councilman Lob stated that if the amendment were to pass and the City wanted to make changes to Westward Drive similar to what was done on Canal Street, it would take six months to place the question on the ballot. Even the handicap accessibility improvements or parking changes would take six months.

Councilman Lob added that Council was elected by the people to do a job and if the people do not like the decisions that are made, they can get rid of the elected officials, but to tie Council’s hands and require a vote of the people for an issue like this is similar to Amendment 4.

Vice Mayor Ator said that this is like a “the sky is falling” amendment. Council has held discussions about reducing Westward Drive to one lane, although there are not enough funds to do it and drafting this petition language in this time period is so inflammatory and so clearly a divisive maneuver that it is unfair to the residents. It is a negative issue that does not really exist and it asks the residents who cannot attend or watch the Council meetings to understand.

Vice Mayor Ator explained that she has been arguing that this is a representative government elected by the people, that is how the process works and someone that has more information should come forward. The proposed amendment is only a talking point to be able to say to people that it will prevent Westward Drive from being reduced to one lane, which would create traffic. There are clearly a lot of issues and that is why Council hired a consultant to offer their advice. She said that the proposed amendment is a bad way to govern.

Mayor Bain added that the people who submitted the petition are self-centered individuals who are only thinking about their own situation, they are not thinking about the businesses or property owners that are paying taxes since this would actually bring blight to the area. There is no future for the business owners if this amendment passes. He feels that the proposal is arrogant, selfish and he does not understand why anyone would want to say that there could be no improvements to Westward Drive without the approval of the residents.

Mayor Bain spoke with a business owner who signed the petition without reading the language and now that he understands the language, he is not happy about it. He feels sad that Council is not trusted to make decisions in an honest way. He would hope that the petitioners would re-think their actions and what it will cost the business community.

Mayor Bain stated that he would vote against the petition form and start the process even though it might cost the City some money. This was brought forward at the last minute when the agenda was just published and the Administration agreed to place the matter on the agenda and it is a simple vote to approve the petition form so the process can move forward.

Councilman Lob explained that he actually counted the number of empty storefronts when he first began looking at revitalization. He urged the petitioners to do the same before bring forth the petition. There are more empty businesses and the proposed amendment will not help.

Vice Mayor Ator added that elections are very expensive and this should be considered, when it is a time to cut costs and make sure that the City spends the taxpayers' money wisely. Changing Westward Drive is not something that Council is contemplating at this point; they are only exploring options and people should understand this.

City Attorney Seiden clarified that the motion would be to approve the format of the petition that was submitted, not the language.

Councilman Best moved to approve the format of the petition. Councilman Lob seconded the motion. The motion failed 2-3 with Mayor Bain, Councilman Espino and Councilman Lob casting the dissenting votes.

Agenda Item 11A was discussed after 10I.

11. Other Business:

11A) Fiscal Year 2009-2010 Fourth Quarter Budget Status Report (Unaudited)

Finance Director William Alonso stated that the auditors are currently finishing up the year-end audit and should be finished sometime this week and they hope to present the audited financial reports in January.

Finance Director Alonso explained that he developed the fourth quarter report so that Council can see how the year was ended. He does not foresee any major changes to any of the numbers, but the bottom line is that the original budget was based on using approximately \$3.2MM of fund balance for different issues that were discussed. The final number came out to be only \$2.1MM so that reduced the fund balance from the \$8.4MM at the beginning of the year to \$6.3MM at the year end. The \$6.3MM represents a 638% increase from the \$853,000 fund balance in 2003.

Finance Director Alonso mentioned that the \$2.1MM, included \$1.2MM for the Golf Course irrigation system, and \$760,000 from the water and sewer surplus to lower the millage rate.

Mr. Alonso reported that he developed the fund balance designations that will be presented in January when the numbers are final. He wanted Council to see how the City stands with the \$6.3MM, less 25% for budgeted expenditures, which is \$3.3MM.

Finance Director Alonso clarified that there is \$2.5MM in designations and \$495,000 from this year's excess that is being used in the 2010-2011 budget. He added two designations: \$275,000 for the skateboard park and \$200,000 for Downtown revitalization and Council will have the ability to change the designations or leave them as they are now.

Finance Director Alonso said that he wanted to clarify how the City stands with the fund balance because there have been rumors about the city going bankrupt and the policies in place will not allow this because the City is required by policy to maintain 25% of budgeted expenditures as a base for reserves.

Finance Director Alonso explained that in 2002, the City had a deficit balance of \$300,000, which was the starting point and the City was in serious financial difficulty. He reviewed the history of the City's reserve and how it reached the \$8.4MM last year and \$6.3MM today. The fund balance increased almost \$4MM over a three year period. He said that there must be a purpose for building the reserve and if not, the funds must be returned to the residents because in essence they are being overtaxed.

Finance Director Alonso stated that the reason Council is asked every year to approve the designation of the fund balance is to determine what is planned for the excess funds. This can be done for infrastructure or a budget stabilization fund so that each year the funds can be used to keep the millage rate the same. In 2009, it shows the use of \$3.2MM of the fund balance, which was budgeted and it actually turned out to be \$2.1MM.

Finance Director Alonso explained that anyone who does not understand would think that the City is draining the reserves, but that is not the case. The Golf Course is the City's main asset and it needed an irrigation system for \$1.2MM and \$800,000 was used to lower the millage rate.

The peak amount for ad valorem taxes collected was in 2007, when the City collected \$7.1MM and the amount was reduced to \$6.8MM in 2008, according to Mr. Alonso. For the last four years, the amount of ad valorem taxes has gone down to \$5.5MM.

Finance Director Alonso displayed the history of the millage rate, explaining that the City is collecting less because the assessed values have gone down.

To answer the Assistant City Manager's question, Mr. Alonso stated that the 25% minimum as it stands now is \$3.3MM. He said that the \$500,000 in contingency should in reality be part of the \$3.3MM, which means that it is closer to 28% or \$3.8MM. This year's budget includes \$495,000 from the fund balance, which could be reduced if the departments do not use 100% of their budget.

Finance Director Alonso stated that in January when the numbers are final he will come back to Council to see what changes or additions they want to make.

11B) Update to Proposed Fund Balance Designations

Finance Director William Alonso presented the fund balance designations as part of Agenda Item 11A.

12. Reports & Recommendations:

12A) City Attorney

Happy Holidays

City Attorney Seiden wished everyone a great holiday.

12B) City Manager

Agenda Items

City Manager Borgmann stated that many agenda items were tabled until the next Regular Meeting on January 10, 2011. He will also be adding a few items, including a park recycling program.

Mayor Bain asked the City Manager to get together with Ana Ferrer in regard to a recycling program for Downtown.

The Beacon Council

City Manager Borgmann reported that he contacted The Beacon Council and they are trying to schedule a meeting with Calvin, Giordano & Associates and City Staff.

Workshop Meeting

City Manager Borgmann announced that Calvin, Giordano & Associates is requesting to schedule a Workshop Meeting at 5:00 p.m. on January 24, 2011 before the Regular Council Meeting. He asked if this time would be convenient for Council.

Vice Mayor Ator explained that she could not commit to that time due her business responsibilities.

Mayor Bain asked to confirm the date and time of the Workshop meeting during the next Regular Meeting on January 10, 2011.

Church Events

City Manager Borgmann announced that the Poinciana United Methodist Church is holding an event on December 13-18th on Curtiss Parkway with a living Nativity. The Spanish Baptist Church congregation has also requested the use of the Circle on December 25th for a concert from 6:30 to 8:30 p.m. and they are willing to pay for all costs, including the Police service.

Junior Orange Bowl

City Manager Borgmann reported that the Junior Orange Bowl Parade will kick-off on Sunday, January 2, 2011, and they are reversing the route this year, ending in front of the Coral Gables City Hall.

Santa at the Circle

City Manager Borgmann explained that Santa at the Circle went very well, although there was too much activity in a small space. Next year the event will be expanded to two nights with different activities each night.

Holiday Party

City Manager Borgmann reminded everyone that the City employee holiday party will be held at the Community Center from 11:00 a.m. to 1:30 p.m. on Thursday, December 16th in the Rebeca Sosa Theater. He asked Council to r.s.v.p.

Library

City Manager Borgmann referred to the article in the River Cities Gazette about the opening of the Library this month.

Handicap Ramps

City Manager Borgmann stated that the handicap ramps at the Circle are finished except for painting.

Happy Holidays

City Manager Borgmann wished everyone Happy Holidays.

12C) City Council

Movie Night

Vice Mayor Ator reported that the All Angels Movie Night is scheduled for Friday, December 17th and will feature “How to Train Your Dragon” and “A Christmas Story”.

“Adopt a Park” Program

Vice Mayor Ator would like the Recreation Commission to look into Mr. Schwinger’s recommendation for the “Adopt a Park” program to see if other cities have similar programs.

i-Calendar

Vice Mayor Ator said that the i-calendar feature on the internet is set up to save a new calendar on the calendar and the response from aHa Consulting was that there is no other way for it to work. She saw the Pinecrest website which saved an individual calendar on her calendar, which means that it can be done and she forwarded the link so that the Administration can follow-up to let her know the status.

Garbage Pick-up

Vice Mayor Ator reminded the Administration that this week has a potential for a very large garbage week with various events on the Circle. She asked to monitor the overflowing garbage cans Downtown.

Wreath Sale

Vice Mayor Ator announced that All Angels is selling beautiful live wreaths from North Carolina. She urged anyone who would like to purchase one to call the Church.

Senior Center Holiday Party

Vice Mayor Ator reminded the Mayor and Council about the Senior Center holiday party on Wednesday, December 15th.

Pinecrest Christmas Event

Vice Mayor Ator attended the Village of Pinecrest Christmas festival at Pinecrest Gardens, which is a large event with various crafts and vendors. She said that it would be a great idea for the City of Miami Springs and suggested obtaining the information from Pinecrest.

Miami-Dade Delegation

Councilman Espino attended the swearing-in ceremony of the entire Miami-Dade Delegation at Florida International University, which was a wonderful event attended by people from all over the county. There was a strong message from three senators to be a united delegation for the entire county in order to obtain a fair share of funding.

Turkey Distribution

Councilman Espino thanked the City for the turkey distribution at the Senior Center, including the Miami-Dade County League of Cities and Commissioner Sosa.

Santa at the Circle

Councilman Espino reported that Christmas at the Gazebo was a fantastic event that was well attended and he would like to expand it.

Happy Holidays

Councilman Espino wished everyone Happy Holidays and safe travel.

Tragedy

Councilman Best extended sympathy to the families of the kids who were involved in a tragic accident on U.S. 27 a few days ago. The message is to be careful when driving, especially during the holidays.

Recognition

Councilman Best recognized Donna Wood-Beney for her work to promote the City for the Chamber of Commerce.

Happy Holidays

Councilman Best wished those of the Jewish faith a belated Happy Hanukkah and Merry Christmas to everyone else.

Tragedy

City Manager Borgmann stated that one of the City's back-up electrical inspectors lost their son in the accident on U. S. 27, which is very tragic and sad.

Trash Receptacles

Mayor Bain asked the Administration to look at the way the trash receptacles are set up along the Ludlam bike path because people are saying that one additional receptacle is needed.

City Manager Borgmann explained that the Ludlam bike path would be included in the recycling study for the bike paths, parks and public places.

Happy Holidays

Mayor Bain wished everyone Happy Holidays. He thanked Vice Mayor Ator for the holiday wreath.

Toys for Tots

Mayor Bain announced that Miami Springs Middle School is an official drop off site for Toys for Tots.

Happy New Year

Mayor Bain wished everyone a Happy New Year and urged everyone to support Lily Saborit-Abello's function on Saturday, January 1, 2011.

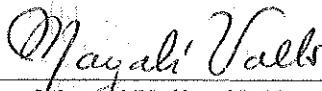
13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 9:54 p.m.


Billy Bain
Mayor



ATTEST:


Magali Valls, CMC
City Clerk

Approved during meeting of: 1/11/2011.

Transcription assistance provided by Suzanne S. Hitaffer.